EXHIBIT L

EXHIBIT C

ATTORNEY DOCKET NO. NETS0017D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5   **In re application of :** Montulli   **Docket No.:** NETS0017D1

      Serial No: 08/918,977   **Art Unit:** 2302

      Filed: October 6, 1995   **Examiner:** M. Rinehart

      Title: PERSISTENT CLIENT STATE IN A HYPERTEXT TRANSFER PROTOCOL BASED CLIENT-SERVER SYSTEM

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May 11, 2000

Assistant Commissioner for Patents
BOX NON-FEE
15   Washington, DC 20231

DECLARATION UNDER 37 CFR 1.131

1.   My name is Lou Montulli. I am the inventor of the subject matter claimed
20   in the above-identified U.S. Patent Application.

2.   Claims 18 and 31 – 35 of the subject patent application are rejected by the Examiner under 35 USC §103(a) as being unpatentable over Lyons (U.S. Patent No. 5,623,656) in view of Kristol (Proposed Http State-Info Mechanism,
25   August 25, 1995), and further in view of Shalit (U.S. Patent No. 5,714,971).

3.   The Examiner relies on Lyons as teaching "requesting information from a server," and "transmitting a state object."

30   4.   Lyons (U.S. Patent No. 5,623,656) issued on April 22, 1997 and was filed on December 15, 1994.

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5.   The Examiner relies on Kristol as teaching "saving state information on said client system."

6.   Kristol (Proposed Http State Info Mechanism) was not available to the public before August 25, 1995.

6.   The effective filing date of the subject application is October 6, 1995, i.e. before the issue date of Lyons and less than one year after Kristol's publication date.

7.   The invention claimed in the subject application was completed in this country before December 15, 1994, i.e. before Lyons was filed and before Kristol was published. In support thereof,   I enclose the following:

a.   Preliminary specification, "Persistent Client State: Http Cookies," authored by me in the fall of 1994 and published on the WWW site of Netscape Communications Corp. between December 1994 and January 1995. The highlighted sections of this document are evidence of conception of the invention claimed in the subject application prior to December 15, 1994.

b.   Declaration from a co-worker, John Giannandrea, at Netscape Communications Corp., the assignee of the subject application, relating the facts surrounding the invention.

c.   The invention was fully implemented in version 1.0 of Netscape Navigator prior to December 15, 1994, as evidence of diligence in reducing the invention to practice.

8.   The invention claimed in the subject application is not claimed in Lyons or Kristol.

9.   Accordingly, Lyons and Kristol are not properly applied as references against the claimed invention and the various claim rejections under 35 USC §103(a) are therefore avoided.

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10.   I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that

5   willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

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Date: _5-11-00_   _____
                                                    Lou Montulli

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